

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVON DEMIA SMITH,

Defendant.

8:13CR276

ORDER

This matter is before the court on the motion for an extension of time by defendant Devon Demia Smith (Smith) (Filing No. 18). Smith seeks an additional two weeks in which to file pretrial motions in accordance with the progression order. Smith has filed an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 18-1). Upon consideration, the motion will be granted. A trial date will be scheduled following the disposition of any pretrial motions filed in accordance with this order or at the expiration of the pretrial motion deadline established by this order.

IT IS ORDERED:

Defendant Smith's motion for an extension of time (Filing No. 18) is granted. Smith is given until **on or before September 4, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between August 14, 2013, and September 4, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 14th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge